

REFERENCE TITLE: photo enforcement; processing fee; deposit

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2612

Introduced by
Representative Biggs

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-455; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLE RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 28, chapter 2, article 5, Arizona Revised Statutes, is amended by adding section 28-455, to read:

28-455. Photo enforcement: motor vehicle records: fee: deposit: definition

A. ANY STATE AGENCY THAT CONTRACTS WITH AN AUTHORIZED AGENT FOR THE ELECTRONIC PROCESSING OF TRANSACTIONS PURSUANT TO TITLE 41, CHAPTER 23 RELATING TO MOTOR VEHICLE RECORDS INTENDED FOR USE IN IDENTIFYING, OR ISSUING CITATIONS TO, ALLEGED VIOLATORS OF CHAPTER 3, ARTICLES 3 AND 6 OF THIS TITLE, IF THE VIOLATION WAS DETECTED BY A PHOTO ENFORCEMENT SYSTEM OR DEVICE, SHALL CHARGE A PROCESSING FEE OF TWO HUNDRED DOLLARS PER RECORD PROVIDED TO THE PERSON MAKING THE REQUEST.

B. ALL FEES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE TRANSMITTED BY THE COLLECTING AGENCY OR AUTHORIZED AGENT TO THE STATE TREASURER FOR DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991 FOR THE PURPOSE OF FUNDING A NEW AUTOMATION SYSTEM FOR THE DEPARTMENT.

C. FOR THE PURPOSES OF THIS SECTION, "PHOTO ENFORCEMENT SYSTEM OR DEVICE" MEANS A SYSTEM OR DEVICE SUBSTANTIALLY CONSISTING OF A RADAR UNIT OR SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT PRODUCES ONE OR MORE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES, DIGITAL IMAGES OR OTHER RECORDED IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF IDENTIFYING VIOLATORS OF CHAPTER 3, ARTICLES 3 AND 6 OF THIS TITLE.

Sec. 2. Section 28-6991, Arizona Revised Statutes, is amended to read:
28-6991. State highway fund; sources

A state highway fund is established that consists of:

1. Monies distributed from the Arizona highway user revenue fund pursuant to chapter 18 of this title.

2. Monies appropriated by the legislature.

3. Monies received from donations for the construction, improvement or maintenance of state highways or bridges. These monies shall be credited to a special account and shall be spent only for the purpose indicated by the donor.

4. Monies received from counties under cooperative agreements, including proceeds from bond issues. The state treasurer shall deposit these monies to the credit of the fund in a special account on delivery to the treasurer of a concise written agreement between the department and the county stating the purposes for which the monies are surrendered by the county, and these monies shall be spent only as stated in the agreement.

5. Monies received from the United States under an act of Congress to provide aid for the construction of rural post roads, but monies received on projects for which the monies necessary to be provided by this state are wholly derived from sources mentioned in paragraphs 2 and 3 of this section shall be allotted by the department and deposited by the state treasurer in the special account within the fund established for each project. On completion of the project, on the satisfaction and discharge in full of all

1 obligations of any kind created and on request of the department, the
2 treasurer shall transfer the unexpended balance in the special account for
3 the project into the state highway fund, and the unexpended balance and any
4 further federal aid thereafter received on account of the project may be
5 spent under the general provisions of this title.

6 6. Monies in the custody of an officer or agent of this state from any
7 source that is to be used for the construction, improvement or maintenance of
8 state highways or bridges.

9 7. Monies deposited in the state general fund and arising from the
10 disposal of state personal property belonging to the department.

11 8. Receipts from the sale or disposal of any or all other property
12 held by the department and purchased with state highway monies.

13 9. Monies generated pursuant to section 28-410.

14 10. Monies distributed pursuant to section 28-5808, subsection B,
15 paragraph 2, subdivision (d).

16 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

17 12. Except as provided in section 28-5101, the following monies:

18 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
19 subsection B, paragraph 2, subdivision (e).

20 (b) One dollar of each registration fee and one dollar of each title
21 fee collected pursuant to section 28-2003.

22 (c) Two dollars of each late registration penalty collected by the
23 director pursuant to section 28-2162.

24 (d) The air quality compliance fee collected pursuant to section
25 49-542.

26 (e) The special plate administration fees collected pursuant to
27 sections 28-2404, 28-2412 through 28-2424 and 28-2514.

28 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
29 if the director is the registering officer.

30 13. Monies deposited pursuant to chapter 5, article 5 of this title.

31 14. Donations received pursuant to section 28-2269.

32 15. Dealer and registration monies collected pursuant to section
33 28-4304.

34 16. Abandoned vehicle administration monies deposited pursuant to
35 section 28-4804.

36 17. Monies deposited pursuant to section 28-710, subsection D,
37 paragraph 2.

38 18. MONIES DEPOSITED PURSUANT TO SECTION 28-455.

39 Sec. 3. Requirements for enactment; two-thirds vote

40 Pursuant to article IX, section 22, Constitution of Arizona, this act
41 is effective only on the affirmative vote of at least two-thirds of the
42 members of each house of the legislature and is effective immediately on the
43 signature of the governor or, if the governor vetoes this act, on the
44 subsequent affirmative vote of at least three-fourths of the members of each
45 house of the legislature.